

PATENT

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted via EFS-WEB on August 6, 2008.

/kurt l. grossman/
Kurt L. Grossman, Reg. No. 29,799

August 6, 2008
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
Ex parte Pope et al.
Appeal No. _____**

Serial No.: 10/700,738
Filed: November 4, 2003
Art Unit: 3767
Examiner: Elizabeth MacNeill
Appellants: Brian Pope and Zhan Liu
For: **SYRINGE PUMP RAPID OCCLUSION DETECTION SYSTEM**
Atty. Docket No.: MDX-297
Confirmation No.: 4966

Cincinnati, OH 45202

August 6, 2008

Mail Stop APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

RESPONSE TO NOTIFICATION OF NON-COMPLIANT BRIEF

This is in response to the Notification of Non-Compliant Appeal Brief mailed July 30, 2008. As set forth below, Paragraph III of the Appeal Brief, titled "Status of Claims", now contains a statement of the status of all claims, including all canceled claims.

III. STATUS OF CLAIMS

Claims 1-3, 5-36 and 46-80 are presently pending, stand rejected, and are the subject of this appeal. Claims 4, 37-45, and 81-85 have been canceled. A copy of the presently pending claims is included in the Claims Appendix.

Conclusion

Appellants respectfully submit that the previously submitted Appeal Brief, with revised Paragraph III above, is in full compliance with the provisions of 37 CFR §41.37. If this Response leaves any issues open, a call to undersigned counsel would be gratefully appreciated.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Date: August 6, 2008

By: /kurt l. grossman/
Kurt L. Grossman
Reg. No. 29,799

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324
(513) 241-6234 (fax)